

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

The United States of America and the States of )  
North Carolina, California, Colorado, Delaware, )  
Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, )  
Michigan, Minnesota, New Jersey, New York, )  
Tennessee, Texas, Virginia and Wisconsin, )  
*ex rels.* Scarlett Lutz and Kayla Webster, )

Plaintiffs, )

vs. )

Health Diagnostic Laboratory, Inc., Singulex, Inc., )  
Laboratory Corporation of America Holdings, )  
Bluewave Healthcare Consultants, Inc., Latonya )  
Mallory, Philippe J. Goix, PhD, Floyd Calhoun )  
Dent, III and Robert Bradford Johnson, )

Defendants. )

**CA No.: 9:14-cv-00230-RMG**

**FILED EX PARTE AND  
UNDER SEAL**

**UNITED STATES’ NOTICE OF ELECTION TO DECLINE  
INTERVENTION ONLY AS TO DEFENDANT PHILIPPE J. GOIX**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action with respect to only individual defendant Philippe J. Goix. Likewise, and pursuant to their respective state statutes, the States of California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, New Jersey, New York, North Carolina, Tennessee, Texas, Virginia, and Wisconsin (“the Plaintiff States”), have advised through Steven K. McCallister, an Assistant Attorney General for the North Carolina Department of Justice, that they similarly elect to decline to intervene against defendant Philippe J. Goix.<sup>1</sup>

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<sup>1</sup> The original complaint and First Amended *Qui Tam* Complaint name all Plaintiff States. The relators filed the instant Severed Second Amended *Qui Tam* Complaint naming only the

Although the United States declines to intervene, 31 U.S.C. § 3730(b)(1) allows the relators to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” Id. Therefore, the United States requests that, should either the relators or defendant Goix propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this matter with respect to defendant Goix be served upon the United States; the United States also requests that orders issued by the Court relevant to defendant Goix be sent to the Government’s counsel. The United States reserves its right to order any deposition transcripts, to intervene against defendant Goix upon a showing of good cause at a later date, and to seek the dismissal of the relators’ action or claim against defendant Goix. The United States also requests that it be served with all notices of appeal.

The Plaintiff States also request that, to the extent the relators elect to maintain this action against defendant Goix on behalf of any of the Plaintiff States, all pleadings filed in this action be served upon each such Plaintiff State and that all orders issued by the Court be sent to each of them by the relators’ counsel. In furtherance thereof, each of the Plaintiff States have represented their consent to electronic service. The Plaintiff States reserve the right to order any

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United States, California, Illinois, and North Carolina as plaintiff states. The relators did so without moving to dismiss the case on behalf of the Plaintiff States with written consent of the Court and each such state (a state statutory requirement in most, if not all, Plaintiff States), and without the respective Plaintiff States first moving to decline intervention to the First Amended *Qui Tam* Complaint. Accordingly, and in an effort to cure any resulting procedural defect that may have been created, this declination is made on behalf of all the Plaintiff States named in the First Amended *Qui Tam* Complaint.

deposition transcripts and to intervene in this action, for good cause, at a later date, and further reserve any and all rights to which they may be entitled.

For the reasons set forth in the United States' Motion for an Extension of Time to Consider Intervention and to Retain the Statutory Seal, which was filed January 29, 2015, the United States requests that this matter – including the claims asserted against defendant Goix – remain under seal up to and including March 16, 2015. The requested extension of the seal period will allow the United States and the Plaintiff States sufficient time to notify the Court of their intervention decisions with respect to the other named defendants and permit a single (rather than piecemeal) unsealing of this matter at that time.

A proposed Order accompanies this Notice.

Respectfully submitted,

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